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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/602,681

06/25/2003

Masahiko Maruhashi

K2580.0101

1356

32172

7590

02/24/2006

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EXAMINER

LOCKETT, KIMBERLY R

ART UNIT

PAPER NUMBER

2837

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

EJL

Office Action Summary	Application No. 10/602,681	Applicant(s) MARUHASHI ET AL.	
	Examiner Kim R. Lockett	Art Unit 2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-13, 15, 16, 19, 23, 24, 27, 30, 33, 34, 36 and 39 is/are rejected.
- 7) ☒ Claim(s) 1-7, 14, 17, 18, 20-22, 25, 26, 28, 29, 31, 32, 35, 37 and 38 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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This application (10/602681) is being reopened in response to the appeal brief filed 10/20/05. An office action on the merits is attached.

DETAILED ACTION

Claim Objections

1. Claims 1-19 are objected to because of the following informalities: The phrase "smaller is resiliency that said, provided" is not understood. It appears that the applicant left out the word "accumulator". Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-7, 14, 17, 25, 18, and 20, 22, are rejected under 35 U.S.C. 102(b) as being anticipated by Duncan.

Duncan et al discloses the use of a percussion pad comprising a surface (the top of "C") to be beaten by a player, the surface being smooth and extending without apertures, an accumulator made of resilient material and having an array of pillars(1'), the pillars(1') being connected in parallel to said surface so as to be locally deformed at each beat by said player for accumulating an elastic strain energy (see figure 1), the deformed pillars being vibratory while said elastic strain energy is being released, and a base (B) made of a material smaller in resiliency (column 2, lines 55-60) than the accumulator provided on the opposite side of accumulator to said surface and held in contact with the accumulator for permitting said accumulator for permitting the

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accumulator for permitting said accumulator to be locally deformed. Duncan also discloses the use of a solid portion (the top of 1') made of resilient portion made integral with the monolithic elastomer (column, 2, line 45-50) pad pillars. Duncan also discloses that his pillars can have variable projections (column 2, lines 50-55) and the use of a supporting structure (9) for keeping the pad in a convenient and a coupling device (6) connected between the pad and the supporting structure. Duncan discloses the use of a head "C" made of a resilient material and an obverse surface serving as the surface. Duncan discloses the use of a head "C" made of a resilient material and an obverse surface serving as the surface and a pad and support with a shape analogous to that of a drumhead (see figure 4a).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 21, 26, 28, 29, 31, 32, 35, 37, 38, and 40-are rejected under 35 U.S.C. 103(a) as being unpatentable over Duncan in view of Yanese and Abe.

Duncan et al discloses the use of a percussion pad comprising a surface (the top of "C") to be beaten by a player, the surface being smooth and extending without apertures, an accumulator made of resilient material and having an array of pillars(1'),

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the pillars(1') being connected in parallel to said surface so as to be locally deformed at each beat by said player for accumulating an elastic strain energy (see figure 1), the deformed pillars being vibratory while said elastic strain energy is being released, and a base (B) made of a material smaller in resiliency (column 2, lines 55-60) than the accumulator provided on the opposite side of accumulator to said surface and held in contact with the accumulator for permitting said accumulator for permitting the accumulator for permitting said accumulator to be locally deformed. Duncan also discloses the use of a solid portion (the top of 1') made of resilient portion made integral with the monolithic elastomer (column, 2, line 45-50) pad pillars. Duncan also discloses that his pillars can have variable projections (column 2, lines 50-55) and the use of a supporting structure (9) for keeping the pad in a convenient and a coupling device (6) connected between the pad and the supporting structure. Duncan discloses the use of a head "C" made of a resilient material and an obverse surface serving as the surface and a pad and support with a shape analogous to that of a drumhead (see figure 4a).

Duncan does not disclose the use of plural pads or vibration sensors.

Yanese discloses the use of a percussion pad with a vibration sensor (1) for detecting play thereby producing an electric signal (see paragraph 41).

Duncan and Yanese do not disclose the use of plural percussion instruments.

Abe discloses the use of a device with plural percussion instruments with respective pads and coupling devices (see figure 1).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device as disclosed by Duncan with vibration sensor as disclosed by Yanese and the plural percussion instruments as disclosed by Abe in order to provide a detector for the playing of drum pads.

6. Claims 8-13, 15, 16, 19, 23, 24, 27, 30, 33, 34, 36, and 39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Applicant's arguments with respect to claims 1-7, 14, 17, 18, 20-22, 25, 26, 28, 29, 31, 32, 35, 37, and 38 have been considered but are moot in view of the new ground(s) of rejection.

8. Papers related to this application may be submitted to Group 2800 by facsimile transmission. Papers should be faxed to Group 2800 via the PTO 2800 Fax Center at 703-872-9306.


For assistance in **Patent procedure, fees or general Patent questions** calls should be directed to the **Patents Assistance Center (PAC)** whose telephone number is **800-786-9199**. Assistance is also available on the Internet at www.uspto.gov.

Any inquiry concerning **this communication or earlier communications** from the examiner should be directed to **Kim Lockett** whose telephone number is (703)

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308-7615, after 2/3/04 my new number will be (571) 272-2067. The examiner can normally be reached on Monday through Friday from 7:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula Bradley can be reached on (571) 272-2800 ext. 33.


P. AUSTIN BRADLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800